

## Message Text

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PAGE 01 LUSAKA 01367 181653Z  
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W  
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O P 181539Z MAY 77  
FM AMEMBASSY LUSAKA  
TO SECSTATE WASHDC IMMEDIATE 5681  
INFO AMEMBASSY LONDON PRIORITY  
AMEMBASSY MAPUTO IMMEDIATE  
AMEMBASSY VIENNA IMMEDIATE  
USUN NEW YORK PRIORITY 1283

C O N F I D E N T I A L LUSAKA 1367

EXDIS

E.O. 11652: XGDS-1  
TAGS: PFOR RH UK  
SUBJ: RHODESIA CONSULTATIVE GROUP: MEETING WITH ZAPU LEGAL  
ADVISOR LEO BARON

AMBASSADOR WAS GIVEN COPY OF BRITISH REPORT ON CONSULTATIVE  
GROUP'S MAY 18 MEETING WITH ZAPU LEGAL ADVISOR, LEO BARON  
IMMEDIATELY PRIOR TO HIS DEPARTURE WITH THE GROUP TO GABORONE.  
TEXT OF THE BRITISH REPORT PREPARED BY GRAHAM FOLLOWS:  
QUOTE

1. THE HIGH COMMISSIONER, LOW AND I HAD A LONG PRIVATE TALK  
WITH LEO BARON LAST NIGHT. IN GENERAL HE WAS PESSIMISTIC OF  
OUR CHANCES. HE DOUBTED SMITH'S SINCERITY, MOREOVER THE  
PATRIOTIC FRONT AND IN PARTICULAR ZAPU GENUINELY BELIEVED -  
WHETHER RIGHTLY OR NOT WAS IMMATERIAL - THAT THEY WERE GOING  
TO OBTAIN POWER THROUGH THE GUN IN SIX MONTHS OR A YEAR.  
EVEN IF THEY WERE WRONG IN THE TIMESCALE A DELAY OF ANOTHER  
TWO OR THREE YEARS WAS NOTHING TO MEN WHO HAD SPENT 15 YEARS  
IN DETENTION. THEY CONSIDERED THAT THIS SITUATION HAD BEEN  
BROUGHT ABOUT BY THEIR OWN EFFORTS AND TENDED TO SEE OUR  
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INITIATIVE AS YET ANOTHER ATTEMPT TO WIN FOR SMITH. THUS  
THEY WERE IN NO MOOD TO MAKE CONCESSIONS, SUCH AS SPECIAL  
RIGHTS FOR MINORITIES. NEVERTHELESS NKOMO, HE WAS SURE,  
WOULD WELCOME THE PROPOSED TACTICS IN PRINCIPLE, SINCE HE  
AND BARON HAD AGREED THAT IF THERE WERE EVER TO BE ANOTHER  
CONFERENCE EVERYTHING MUST BE AGREED AND DECIDED IN ADVANCE:  
THERE COULD NOT BE ANOTHER FAILURE, FOR NKOMO'S OWN POSITION.

AND IF WE COULD PRODUCE A CONSTITUTION, AND A PROCESS LEADING TO IT, THAT NKOMO THOUGHT WAS GENUINELY IN THE INTERESTS OF THE PEOPLE OF ZIMBABWE AS A WHOLE AND WHICH SMITH ACCEPTED, NKOMO WOULD GO FOR IT; HE HATED THE WAR AND THE KILLING.

2. IN DETAIL, WHILE MAKING THE POINTS THAT HE HAD NOT DISCUSSED AN INDEPENDENCE CONSTITUTION RECENTLY WITH ZAPU (THE PATRIOTIC FRONT AS SUCH HAS NO CONSTITUTIONAL ADVISERS) AND

THAT ZAPU'S GENEVA PROPOSALS FOR AN INTERIM GOVERNMENT AND 1975/6 SALISBURY PROPOSALS WERE IRRELEVANT OR OUT OF DATE, BARON SAID THAT THERE WAS NOW, IN HIS VIEW, NO ACCEPTABLE ALTERNATIVE TO UNIVERSAL SUFFRAGE. THE AGE OF MAJORITY WAS A SEPARATE ISSUE. ANOTHER IMPORTANT POINT IN BARON'S MIND WAS THAT THE FUTURE ZIMBABWE SHOULD BE GENUINELY INDEPENDENT I.E. NOT SO SHACKLED BY THE CONSTITUTION THAT EFFECTIVE GOVERNMENT WOULD BE IMPOSSIBLE: THAT WOULD BE A RECIPE FOR A COUP. BY THIS BARON MEANT THAT THE PROCEDURE FOR AMENDING THE CONSTITUTION SHOULD NOT BE TOO ONEROUS. ZAMBIA HAD HAD TO HOLD A REFERENDUM TO ABOLISH THE CONSTITUTIONAL REQUIREMENT THAT CONSTITUTIONAL AMENDMENT SHOULD BE SUBJECT TO REFERENDUM. DESPITE THIS, HOWEVER, BARON DID ENVISAGE A DECLARATION OF RIGHTS, ON AN INDIVIDUAL RATHER THAN A RACIAL OR MINORITY BASIS, SUCH DECLARATION TO BE JUSTICIABLE AND PROTECTED, PRESUMABLY NOT BY A REFERENDUM BUT BY SOME OTHER DEVICE - HE SEEMED TO BE PREPARED TO CONTEMPLATE RESERVED SEATS, BUT HE DOES NOT KNOW NKOMO'S CURRENT THINKING.

3. AT ONE POINT BARON CHALLENGED THE STATEMENT THAT "NOBODY  
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WOULD HAVE A VETO": IF SMITH REFUSED TO STEP DOWN, OR NKOMO FOUND A POINT IN THE CONSTITUTION UNACCEPTABLE, WHAT WOULD WE DO? THIS WAS A REAL POINT FOR NKOMO: HE COULD NOT ACCEPT WHAT OTHERS, HOWEVER WELL-WISHING, THOUGHT WAS IN THE INTERESTS OF THE ZIMBABWE PEOPLE.

4. SPEAKING MORE GENERALLY, BARON CAST DOUBT ON THE SOLIDARITY OF THE ZANU ORGANIZATION, CONDITIONS IN THE MOZAMBIQUE CAMPS ETC AND SAID THAT NKOMO WAS THE ONLY LEADER WITH SUPPORT DRAWN FROM BOTH THE SHONA AND NATABELE. TRIBALISM HE ADMITTED WAS A FACTOR IN THE SITUATION, BUT IT HAD BEEN FORMED BY ZANU FOR THEIR OWN PURPOSES.

END QUOTE.

CLINGERMAN

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NNN

## Message Attributes

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